

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

BERNARD E. SMITH,

Petitioner,

v.

//

CIVIL ACTION NO. 1:07CV109
(Judge Keeley)

WARDEN JOE DRIVER,

Respondent.

ORDER ADOPTING REPORT AND RECOMMENDATION

On August 14, 2007, pro se petitioner, Bernard E. Smith, ("Smith") filed a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241. The Court referred this matter to United States Magistrate Judge James E. Seibert for initial screening and a Report and Recommendation ("R&R") in accordance with Local Rule of Prisoner Litigation 83.09.

On July 17, 2008, Magistrate Judge Seibert issued an R&R recommending that this Court deny and dismiss Smith's petition with prejudice. The R&R also specifically warned that failure to object to it would result in the waiver of any appellate rights on this issue. Nevertheless, Smith failed to file any objections.¹

Consequently, the Court **ADOPTS** the Report and Recommendation in its entirety (dkt. no. 12), **DENIES** the Petition for Writ of

¹ Smith's failure to object to the Report and Recommendation not only waives his appellate rights in this matter, but also relieves the Court of any obligation to conduct a de novo review of the issue presented. See Thomas v. Arn, 474 U.S. 140, 148-153 (1985); Wells v. Shriners Hosp., 109 F.3d 198, 199-200 (4th Cir. 1997).

ORDER ADOPTING REPORT AND RECOMMENDATION

Habeas Corpus (dkt. no. 1), and **DISMISSES** this case **WITH PREJUDICE**.

The Clerk is ordered to **STRIKE** this case from the Court's docket.

The Clerk is directed to mail a copy of this Order to the pro
se petitioner, certified mail, return receipt requested, and to
transmit copies of this Order to counsel of record.

Dated: August 25, 2008.

/s/ Irene M. Keeley

IRENE M. KEELEY

UNITED STATES DISTRICT JUDGE